



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Electronically Filed
Jun 28 2021 08:43 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

June 28, 2021

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. GREGORY S. HERMANSKI

S.C. CASE: 82925

D.C. CASE: 00C167783

Dear Ms. Brown:

Pursuant to your Order Directing Entry and Transmission of Written Order, dated June 1, 2021, enclosed is a certified copy of the Order Denying Defendant's Motion to Correct an Illegal Sentence filed June 25, 2021 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, reading "Heather Ungermann", with a long horizontal flourish extending to the right.

Heather Ungermann, Deputy Clerk

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ROBERT TURNER
Chief Deputy District Attorney
Nevada Bar #006526
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GREGORY S. HERMANSKI,
#1679345

Defendant.

CASE NO: 00C167783

DEPT NO: VI

**ORDER DENYING DEFENDANT'S MOTION TO CORRECT AN ILLEGAL
SENTENCE**

DATE OF HEARING: MARCH 9, 2021
TIME OF HEARING: 11:30 A.M.

THIS MATTER having come on for hearing before the above-entitled Court on the 9th day of March, 2021, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through ROBERT TURNER, Chief Deputy District Attorney, without argument, based on the pleadings and good cause appearing therefor,

IT IS HEREBY ORDERED that the Defendant's Motion to Correct an Illegal Sentence, shall be, and it is DENIED. "The [district] court may correct an illegal sentence at any time." Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). "Motions to correct illegal sentences address only the facial legality of a sentence. An illegal sentence is 'one at variance with the controlling sentencing statute or 'illegal' in the sense that the court

1 goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of
2 the statutory maximum provided."

3 Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

4 Here, defendant has failed to show that his sentence is at variance with the controlling
5 statute or that the court went "beyond its authority by acting without jurisdiction or imposing
6 a sentence in excess of the statutory maximum provided." First, Defendant's claim that the
7 court's "written judgment" does not reflect the Court's adjudication of guilt as to counts I and
8 II is unfounded. Defendant's Second Amended Judgment of Conviction is clear that he was
9 found guilty of counts 1 and 2 and was thereby adjudicated guilty under the habitual criminal
10 statute. See SAJOC 7/27/06.

11 Defendant next argues that the only reference to "guilt" in the second amended
12 judgment of conviction is the finding of the jury and that "a verdict of the jury is not a final
13 determination."

14 However, it is clear from the Second Amended Judgment of Conviction that the
15 finding of guilt and sentence imposed was an Order of the Court. Accordingly, Defendant's
16 Motion is denied.

17 Furthermore, the March 22, 2021 proceeding on the matter is hereby vacated.

18 ~~DATED this _____ day of June, 2021.~~ Dated this 25th day of June, 2021

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20 
DISTRICT JUDGE

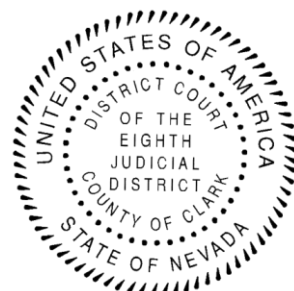
kj

21 STEVEN B. WOLFSON
22 Clark County District Attorney
Nevada Bar #001565

569 AAE 7521 A9D8
Jacqueline M. Bluth
District Court Judge

June 28, 2021

23
24 BY 
25 ROBERT TURNER
26 Chief Deputy District Attorney
27 Nevada Bar #006526
28



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

1 CERTIFICATE OF SERVICE

2 I certify that on the 23rd day of June, 2021, I mailed a copy of the foregoing Order

3 to:

4 SEAN MCKENDRICK, BAC #84624
5 ELY STATE PRISON
6 PO BOX 1989
7 ELY, NV 89301

8 BY

Secretary for the District Attorney's Office

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1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 The State of Nevada vs Gregory
S Hermanski

CASE NO: 00C167783

7 DEPT. NO. Department 6

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
11 Court. The foregoing Order was served via the court's electronic eFile system to all
12 recipients registered for e-Service on the above entitled case as listed below:

13 Service Date: 6/25/2021

14 Brandon Albright

brandon.albright@clarkcountyda.com